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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,662	10/20/2003	Hideo Sawaoka	2018-793	4426

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EXAMINER

HOANG, JOHNNY H

ART UNIT PAPER NUMBER

3747

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/687,662

Applicant(s)

SAWAOKA, HIDEO

Examiner

Johnny H. Hoang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,7,8 and 11-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,9,10 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 22,23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/20/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicants provisionally elected without traverse of Group 1, including claims 1, 2, 5, 6, 9, 10, and 21-23, in the action filed on March 29, 2005 is acknowledged and placed in the file. Accordingly, the non-elected claims 3, 4, 7, 8, and 11-20 have not been examined on its merit.

### *Claim Objections*

2. Claims 22, and 23 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 5, 6, 9, 10, and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsunaga (US 6,577,934 B2).

Regarding claim 1, the reference of Matsunaga et al discloses the failure diagnosis apparatus including the following subject matters: an evaluation system for a fault diagnosis function that diagnoses a certain equipment (see abstract; and col. 5, lines 1-16), comprising:

a completion status determination part that determines whether a diagnosis process of the diagnosis function is completed or not (col. 5, lines 17-47; and col. 16, lines 2-18); and

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a diagnosis function evaluation part that determines the fault diagnosis function is not a normal condition when the diagnosis process is not completed during one of a predetermined number and a predetermined time period (col. 4, lines 31-67; col. 5, line 48 through col. 6, line 44; and col. 7, line 60 through col. 8, line 10).

Regarding claims 2, and 21, as discussed in claim 1.

Regarding claims 5, and 6, as discussed in above claims, the reference of Matsunaga et al further teaches the automatic transmission controller 2 calculates the gear ratio of a transmission based on the relation between the speed and the number of revolutions per unit time of the engine (col. 4, lines 31-46; and col. 12, line 10 through col. 13, line 5).

Regarding claims 9, and 10, as discussed in above claims, the reference of Matsunaga et al further teaches possession data 95 such as vehicle information, etc., is obtained from the plurality of electronic controllers through the network bus 94, and stored in a storage medium such as memory (col. 12, lines 10-15), and deletes the completion status stored in the memory in response to a request signal from an external device (col. 13, line 44 through col. 14, line 35).

Regarding claims 22, and 23, as discussed in claims 1, and 9.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Oi (US 6,738,696); Kamiya (US 6,728,611); and Hasegawa et al (US 6,175,788).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny H. Hoang whose telephone number is (571) 272-4843. The examiner can normally be reached on Monday - Thursday (7:00Am-5: 30Pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on (571) 272-4856.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JHH  
July 8, 2005

Johnny H. Hoang  
Examiner  
Art Unit 3747

*Tony M. Argenbright*  
**Tony M. Argenbright**  
Primary Examiner  
Art Unit 3747